

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/560,758)
Confirmation : 5495)
)
Applicants : MEYER et al.)
U.S. National Phase of)
PCT/EP2004/006897)
I.A. Filed : June 24, 2004)
)
Title: METHOD FOR)
PRODUCING A FIRE)
PROTECTION GLAZING)
)
Art Unit : Not yet assigned)
Examiner : Not yet assigned)
)
Atty Docket : 30882/41723)
Customer No. : 04743)

**RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS AND PETITION UNDER 37 C.F.R. § 1.47(a)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This petition under the provisions of 37 C.F.R. § 1.47(a) is submitted in response to the Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) mailed on April 5, 2006.

The facts described below, attested to in the accompanying statement by Christine Davids, and evidenced in the documents attached thereto, show that named coinventor Gerhard Meyer has refused to sign the inventor's declaration for the above-identified patent application.

Gerhard Meyer's last-known residential address is:

Alte Delogstrasse 26
46483 Wesel
Germany

"If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself and the omitted inventor." 35 U.S.C. § 116.

The facts described below and in the accompanying documents show that the inventor Gerhard Meyer has refused to join in the application.

As described in the accompanying statement of Christine Davids and the exhibits thereto, named inventor Gerhard Meyer was presented with a copy of the patent application and an inventor's declaration for the above-identified application. Professor Meyer was aware of the final deadline for executing the declaration. His attorney stated that he was "ready to provide the required signature." However, the signature was withheld contingent on the alleged need for clarification of "some questions" which were never identified and the implication that the inventor was owed money on a contractual matter. Despite repeated attempts to resolve the matter, inventor Meyer refused to provide an executed inventor's declaration.

As described in the accompanying statement of the undersigned attorney, the PCT inventorship declaration referred to in paragraph 7 of the Davids declaration is enclosed.

The facts show that inventor Meyer refused to join in the application by executing the required inventor's declaration for the U.S. national phase application. Accordingly, the petition should be granted.

Conclusion

On the basis of these facts and for the foregoing reasons, it is solicited that the U.S. Patent and Trademark Office grant a patent on this application to the inventors making the application, subject to the same rights which the non-signing inventor would have had if he had joined.

Should the Petitions Officer have any question of form or substance, he or she is encouraged to contact the undersigned attorney at the telephone number and address listed below.

Respectfully submitted,
MARSHALL, GERSTEIN & BORUN LLP

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